

**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

200300870

Issuance Date:

22 June 2006

Stream:

U/T South Fork Licking River

Closing Date:

22 July 2006

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The intent of this Public Notice is to provide an opportunity for the public to express their views on proposed adverse effects to historic properties within a proposed industrial development.

APPLICANT: Heath-Newark-Licking County Port Authority
851 Irving-Wick Drive West
Heath, Ohio 43056-6114

LOCATION: The proposed development is located within two unnamed tributaries of the South Fork Licking River and wetlands adjacent to these tributaries within a 300-acre site located

south of Irving-Wick Drive in Licking County, Ohio. A project location map is attached as Sheet 1.

DESCRIPTION OF PROPOSED WORK: The purpose of this public notice is to solicit comments regarding the proposed adverse affects to historic properties within the subject site. The applicant has requested authorization for impacts to waters of the United States within this site in order to facilitate the marketability of the site for industrial development. Based on a July 27, 2005 site visit, our office determined roadway construction and utility line maintenance within the site had included unauthorized wetland impacts. Through letter dated September 12, 2005, our office requested the applicant cease further site development that could impact potential jurisdictional areas of the site.

In response to this letter, the applicant prepared an Identification of Waters of the US report for the 300-acre site. This investigation indicated the site contains fifteen (15) wetlands totaling 4.588 acres (ac) and three (3) streams with a combined length of 5,367 linear feet (lf). The location of these features is shown on the attached Sheet 2. This report confirms 0.024 ac of Wetland F and 0.091 ac of Wetland N have been adversely impacted by the placement of fill material.

The applicant also submitted an after-the-fact permit application for the unauthorized impacts to the 0.115 ac of Wetlands F and N. To complete roadway construction and utility line installation within this site, the applicant has also requested authorization for the following proposed impacts: permanent impacts to 0.179 ac of Wetland M to facilitate roadway construction; temporary impacts to 16 lf of Stream A to facilitate the installation of a sanitary sewer line; and permanent impacts to 135 lf of Stream B for the installation of a water line and culverted stream crossing. Sheet 3 reflects the proposed development plan. Our office is currently evaluating the unauthorized and proposed impacts for authorization under Nationwide Permit (NWP) #39 (Residential, Commercial or Institutional Developments).

General Condition #12 of the NWPs states no activity which may affect historic properties eligible for listing in the National Register of Historic Places (NRHP) is authorized until the Corps has complied with the provisions of 33 CFR Part 325 Appendix C. This condition also states the applicant must notify our office if the proposed activity may affect any historic property listed, determined to be eligible, or which the prospective permittee has reason to believe are eligible for listing on the NRHP. The Corps is mandated by the National Historic Preservation Act (NHPA) to ensure that no federal undertaking, including a Corps permit action, which may affect historic resources, is commenced before the impacts of such action are considered and the Advisory Council on Historic Preservation and the State Historic Preservation Office are provided an opportunity to comment as required by the NHPA, 36 C.F.R. 800, and 33 C.F.R. 325, Appendix C.

The applicant has submitted a Phase I Cultural Resources Management (CRM) report entitled "Phase I Cultural Resources Management Investigation for the Proposed 10.3 ha (25.5 a.) Development of a Portion of the Central Ohio Aerospace & Technology Center (COATC) located within the City of Heath, Johnny Clem Township, Licking County, Ohio". This report,

which was prepared by Archaeological Research Consultants, documents the conditions found within a 25.5-acre portion of the 300-acre site. This report details the subsurface testing, surface collection and visual inspection of the 25.5 acre study area and resulted in the identification of 7 previously unrecorded archaeological sites (33-LI-1522 thru 33-LI-1528). The Corps, in consultation with the Ohio Historic Preservation Office (OHPO), has determined these seven sites are small lithic scatters or isolated find spots typical of short-term occupations. Based on these findings, the Corps has determined these properties are not eligible for inclusion on the NRHP. OHPO has concurred with this determination.

This report documents three historic accounts (Salisbury 1862, Atwater 1820, and Warren Weiant Jr. 1931) of the existence of the “Hopewell Road”. The report indicates the “Hopewell Road” is believed to bisect the 300-acre site. Additionally, infrared photography taken in 1992 shows a shadow within the site that Dr. Bradley Lepper, Ohio Historical Society, has suggested may reflect the remains of a portion of the Hopewell Road. This information is depicted on the attached Figure 4.

The applicant has also submitted a “Phase I Cultural Resources Management Investigations for an 85 ha (210.a) portion of the Central Ohio Aerospace and Technology Center (COATC) Located within the city of Heath, Johnny Clem Township, Licking County, Ohio. This report details the subsurface testing, surface collection and visual inspection of the 210 acre project area and resulted in the identification of 44 previously unrecorded archaeological sites (33-LI-1534 thru 33-LI-1577) and the re-identification of two previously documented sites (33-LI-1523 and 33-LI-1528). The Corps, in consultation with the OHPO, has determined the majority of these sites (33 LI-1534 thru 33-LI-1546, 33-LI-1548 thru 33-LI-1572, 33-LI-1574 thru 33-LI-1577, 33-LI-1523 and 33-LI-1528) are small lithic scatters or isolated find spots typical of short-term occupations. Based on these findings, the Corps and OHPO concur that these properties are not eligible for inclusion on the NRHP.

The report indicates Site 33-LI-1547 is a Late Woodland period site. Artifacts recovered from this site included numerous triangular projectile points, triangular knife forms, and grit tempered ceramic sherds. The report also indicates Site 33-LI-1573 is a multi-component site dating to the Middle Archaic, Early Woodland, possibly Middle Woodland, and Late Woodland periods. Artifacts recovered from this site included projectile points and two grit tempered ceramic sherds. This report recommended either Phase 2 Assessment measures be conducted for sites 33-LI-1547 and 33-LI-1573 or these sites be avoided. The report also includes a discussion of the “Hopewell Road”. A summary of this discussion has been included above.

In evaluating the applicant’s permit request, we have consulted OHPO regarding this proposed undertaking. Through this consultation and based on information supplied by the applicant, this office has determined the proposed undertaking has the potential to impact sites 33-LI-1547 and 33-LI-1573. This office has also determined the undertaking will have an adverse effect on the “Hopewell Road”, which is eligible for the NRHP.

Preliminary options to resolve the proposed adverse effects have been identified. The applicant has prepared a draft Memorandum of Agreement (MOA) detailing avoidance measures for sites

33-LI-1547 and 33-LI-1573. This MOA also details mitigation measures for the proposed adverse affect to the "Hopewell Road".

As mitigation for the proposed adverse effect to historic properties, the applicant has proposed to erect a construction fence around sites 33-LI-1547 and 33-LI-1573. The fenced area would include a 50-foot boundary around these sites. The fenced area would be maintained during the proposed construction activities. The fenced boundary would be removed by the applicant as necessary for normal farming activities. If any subsequent phases of construction are performed in proximity to these sites, the applicant would reinstall the fenced boundary.

The mitigation plan also included measures to mitigation for the adverse effects to the Hopewell Road. The applicant proposed to set aside two parcels of real estate where the Hopewell Road is believed to have crossed the site. These two areas would be preserved from any construction activities and would be examined through ground penetrating radar for traces of the Hopewell Road.

PUBLIC INTEREST: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the proposed adverse effect on historic properties. Should you wish to express your views on the undertaking's effects on historic properties, or provide comments or objections to the proposed MOA, please forward this information to our office prior to the close of the comment period for this notice.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments or objections concerning this proposal should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 200300870
502 8th Street
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act.

If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.


Ginger Mullins
Chief, Regulatory Branch

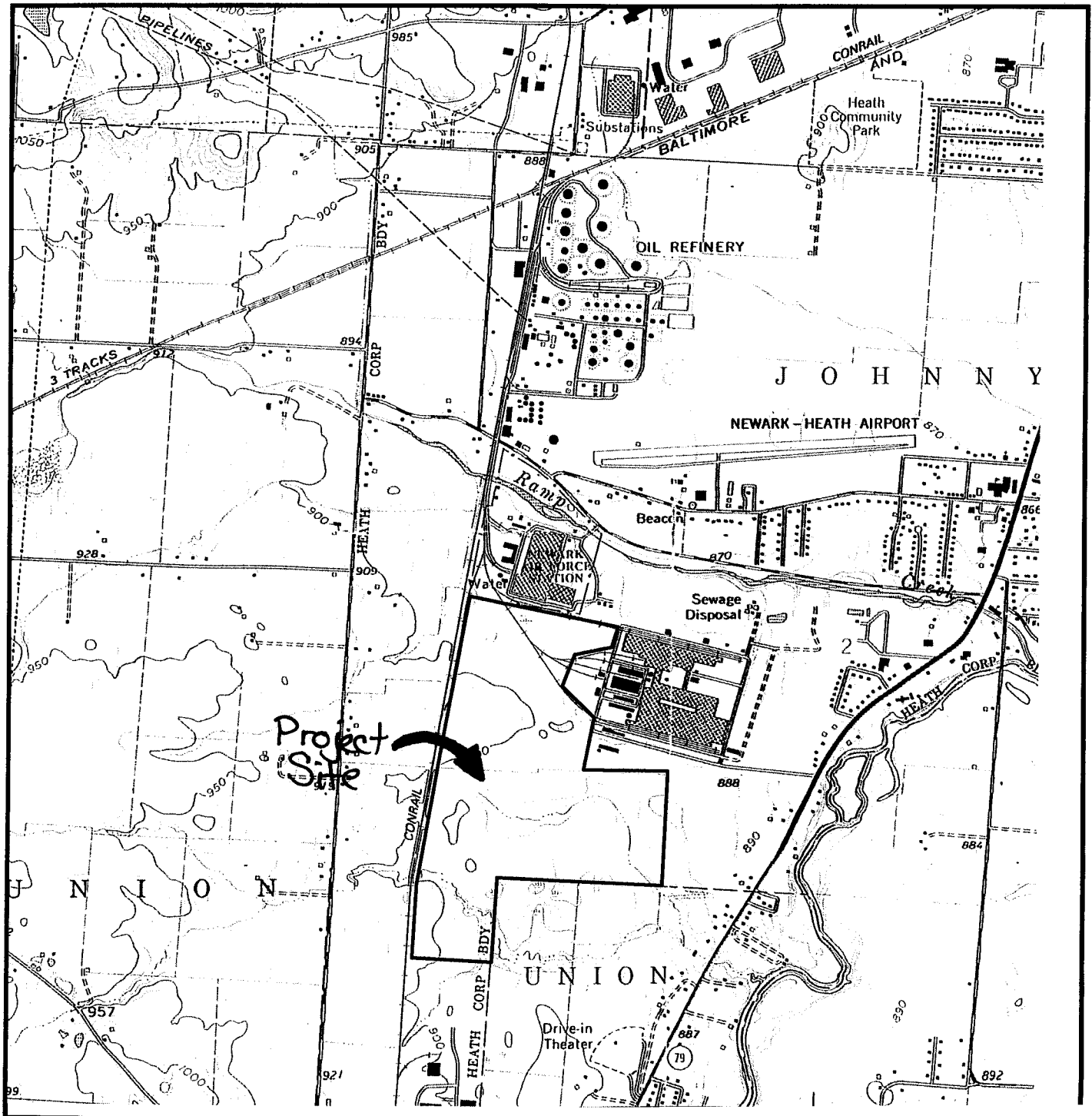
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Topographic Map
Proposed Industrial Park Site
Licking County, Ohio

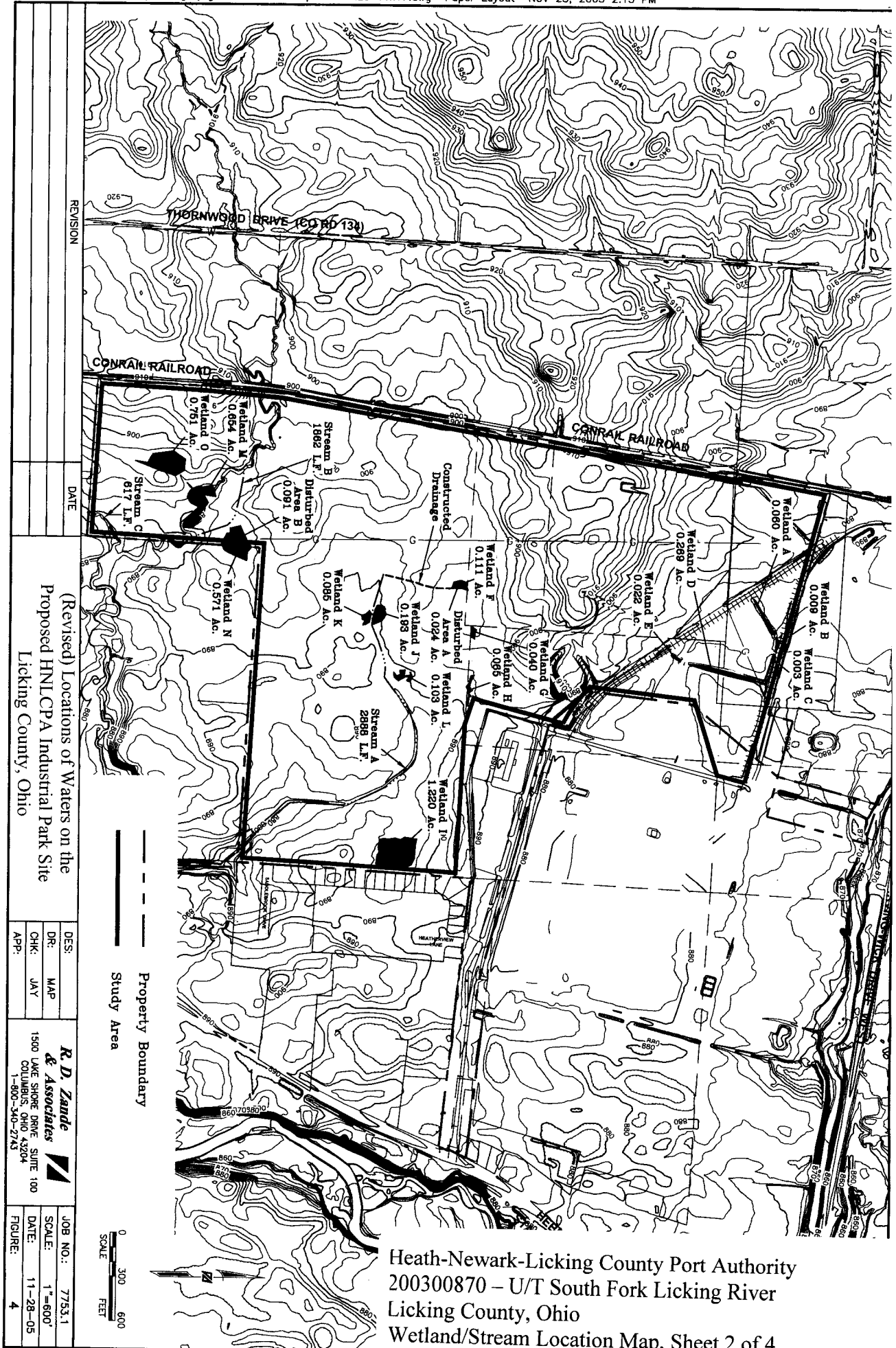
SITE: *Proposed HNLC Industrial Park*
JOB: *HNCL Port Authority - 7753.1*
MAP: *USGS 7.5-Minute Topo - 1:24,000*

DATE: *November 2005*

QUAD: *Newark - 1982*



Heath-Newark-Licking County Port Authority
200300870 - U/T South Fork Licking River
Licking County, Ohio
Location Map, Sheet 1 of 4



Heath-Newark-Licking County Port Authority
200300870 - U/T South Fork Licking River
Licking County, Ohio
Wetland/Stream Location Map, Sheet 2 of 4

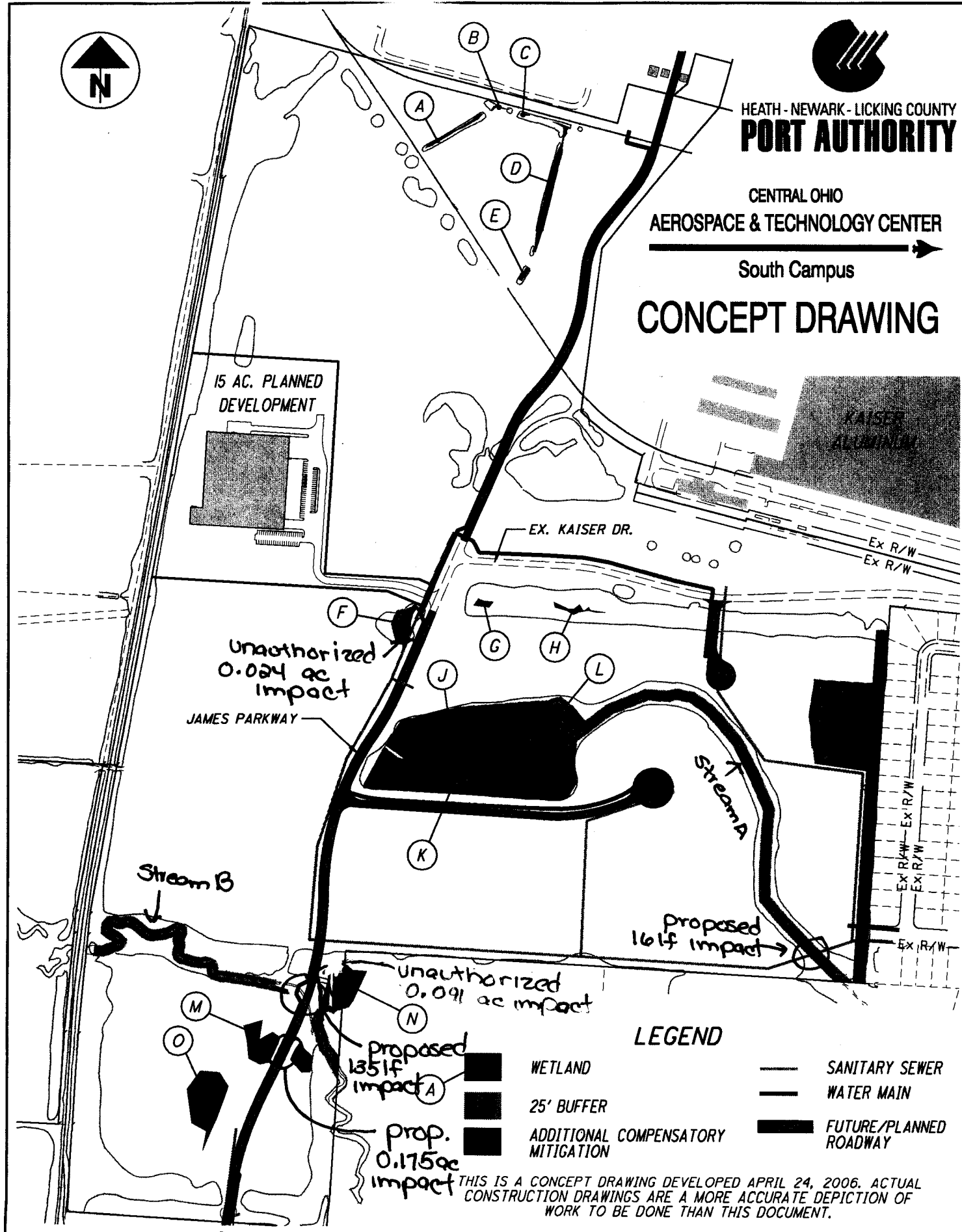


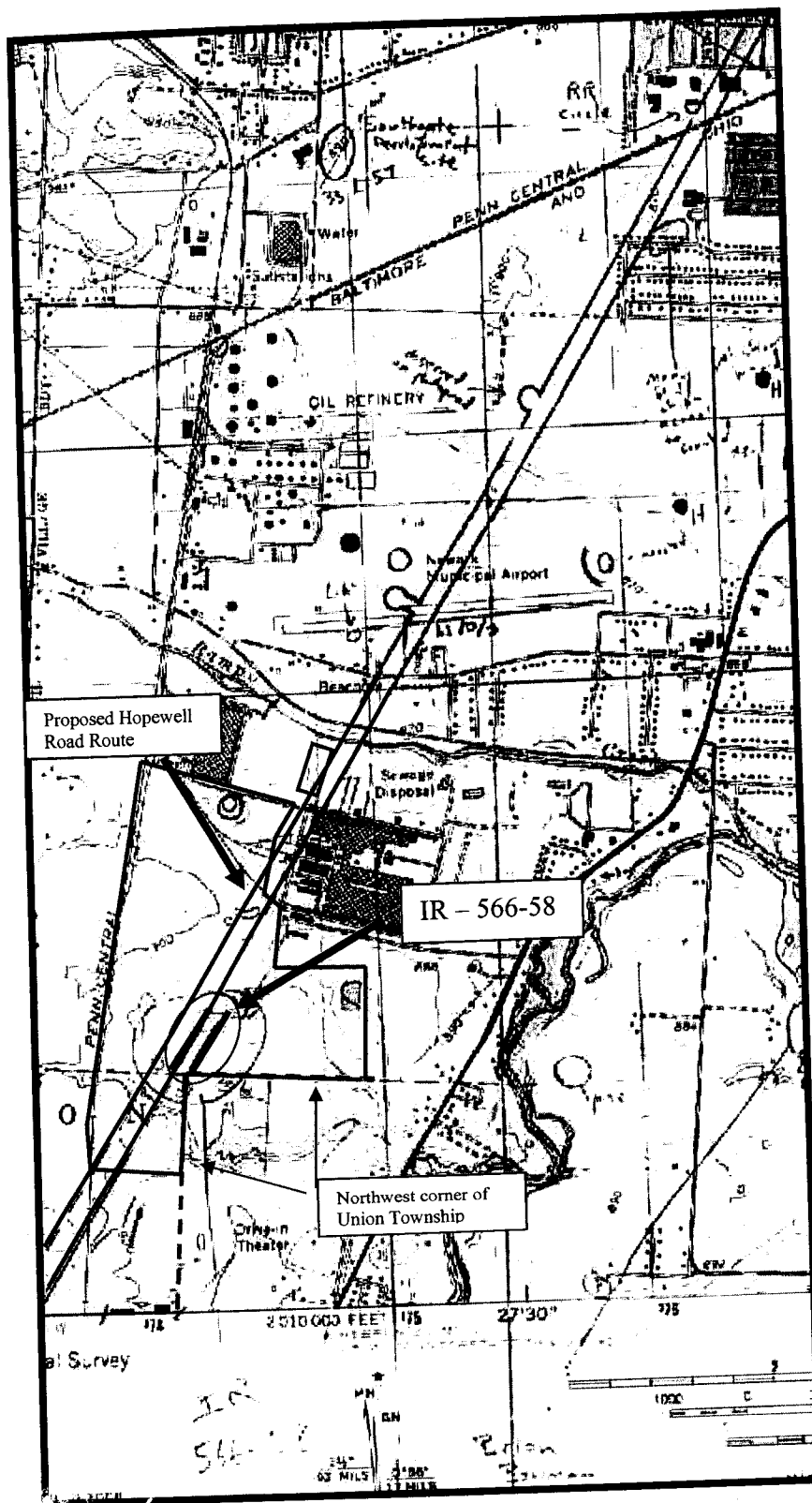
HEATH - NEWARK - LICKING COUNTY
PORT AUTHORITY

CENTRAL OHIO
AEROSPACE & TECHNOLOGY CENTER

South Campus

CONCEPT DRAWING





300015 Portion of the United States Geological Survey (USGS) 1961 Newark Quadrangle, Ohio 7.5 Minute Series (Topographic) map which was provided by Dr. Lepper of the Ohio Historical Society showing the proposed alignment of the "Hopewell Road," the location of the infrared image of the possible road remnant, as plotted by Dr. Lepper, and the boundaries of the current project area.